

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Ismael Hernandez Padilla,

4 Plaintiff

5 v.

6 203rd District Courts, et al.

7 Defendants

Case No.: 2:23-cv-01762-JAD-NJK

**Order Transferring Case to Northern  
District of Texas and Closing Case in this  
District**

9 Pro se plaintiff Ismael Padilla, who is incarcerated in the custody of the Texas  
10 Department of Criminal Justice at Louis C. Powledge Unit in Palestine, Texas, has filed an  
11 application to proceed *in forma pauperis* and a civil-rights complaint under 42 U.S.C. § 1983.<sup>1</sup>  
12 Padilla sues various defendants for events that happened in Dallas County, Texas.<sup>2</sup> All the  
13 defendants reside in Texas; two defendants reside in Dallas County.<sup>3</sup>

14 28 U.S.C. § 1391(b) instructs that a plaintiff may bring an action in:

15 (1) a judicial district in which any defendant resides, if all  
16 defendants are residents of the State in which the district is  
17 located; (2) a judicial district in which a substantial part of the  
18 events or omissions giving rise to the claim occurred, or a  
19 substantial part of property that is the subject of the action is  
20 situated; or (3) if there is no district in which an action may  
21 otherwise be brought as provided in this section, any judicial  
22 district in which any defendant is subject to the court's  
23 personal jurisdiction with respect to such action.

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22 <sup>1</sup> ECF Nos. 1, 1-1.

23 <sup>2</sup> See ECF No. 1-1 at 4 (alleging that Padilla has been falsely imprisoned and denied due process and equal protection of the laws during criminal appeal process).


<sup>3</sup> See ECF No. 1-1 at 3.

1 And if a case has been filed in the wrong district or division, the district court in which the case  
2 has been incorrectly filed may “transfer [the] case to any district or division in which it could  
3 have been brought.”<sup>4</sup>

4 I find that the District of Nevada is not the appropriate venue for this action because the  
5 events occurred in Dallas County, Texas, and the defendants reside in Texas. Dallas County is in  
6 the Northern District of Texas, Dallas Division. I therefore direct the Clerk of the Court to  
7 transfer this action to the United States District Court for the Northern District of Texas, Dallas  
8 Division. And I offer no opinion about the merits of this action or the application to proceed *in*  
9 *forma pauperis*.

10 IT IS THEREFORE ORDERED that the Clerk of the Court is directed to **TRANSFER**  
11 **this case to the United States District Court for the Northern District of Texas, Dallas**  
12 **Division, and CLOSE this CASE** in this District.

13 Dated: November 3, 2023

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15 U.S. District Judge  
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<sup>4</sup> 28 U.S.C. § 1406(a).